

## **STATEMENT OF PURPOSE**

### **RS19257**

In 1989, the Idaho Supreme Court construed Idaho Code Section 12-117 to permit awards of costs and attorney fees to prevailing parties not only in court cases, but also in administrative cases. Under the statute, such awards are only made if the non-prevailing party has pursued or defended the case without a basis in fact or law. On June 1, 2009, in the case of Rammell v. Department of Agriculture, the Supreme Court reversed its 1989 decision and ruled that attorney fees could not be awarded in administrative cases. This bill will restore the law as it has existed since 1989, and it will become effective on May 31, 2009 so that those administrative cases which were pending when the Rammell decision was issued will not be adversely affected by the Supreme Courts ruling.

### **FISCAL NOTE**

There will be no change in fiscal impact on the General Fund.

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